

Ken Clements  
Petitioner,

\* BEFORE THE  
\* PLANNING BOARD OF

ZB-1069M

\* HOWARD COUNTY, MARYLAND

\* \* \* \* \*

**MOTION:** *To recommend approval of the proposal to add additional uses to the previously approved sawmill use for the BR Zoning District for the property.*

**ACTION:** *Recommended approval; Vote 4 to 0.*

\* \* \* \* \*

### RECOMMENDATION

On November 1, 2007 the Planning Board of Howard County, Maryland, considered the petition of Ken Clements to amend and add uses for a BR zoning district in a previously approved Preliminary Development Plan. The subject property is located in the Fourth Election District. The subject property is described as Tax Map 6, Grid 2, Parcel 106. The address is 951 Ridge Road.

The reason for the proposed amendment is to add the uses of landscaping, equipment storage and contractor's office as permitted uses in the BR District. The proposal is for an amendment to a previously approved Zoning Map Amendment, Zoning Board Case 1063M, which rezoned the site from the RC-DEO (Rural Conservation: Density Exchange Option) District designation to the BR (Business: Rural) District for use as a sawmill.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration. The Department of Planning and Zoning recommended partial approval and approval with modifications of the Petitioner's request.

The Petitioner was represented by Richard Talkin, Esq. Mr. Talkin discussed the history of the case and explained that the sawmill use was applied for in the previous case but the contractor and storage uses were also to be included. He said that due to Zoning Board time limits, the Decision and Order in the prior case granted approval for the sawmill use and accessory uses, but did not include the other requested uses. Mr. Talkin stated that he does not agree with the Department of Planning and Zoning interpretation that the lot size maximum for a contractor's offices cannot exceed ten acres and must be subdivided as a separate lot. He said that because there is no lot size maximum in the bulk regulations for the BR District, the lot

1 size maximum should not apply to this case. He said he does not believe it is the intent of the  
2 Zoning Regulations to subdivide a ten acre piece of land for the purpose of adding uses. Mr.  
3 Talkin said the issue was two acres which would be used for indoor or outdoor storage.

4 Mr. Alexander pointed out that the Zoning Regulations state a specific size limit for  
5 contractor's offices in the BR District. Mr. Talkin said it is not necessary to subdivide the piece of  
6 land.

7 **Motion:**

8 Mr. Alexander made a motion to approve the petition in accordance with the first  
9 recommendation of the Technical Staff Report that the request to amend the permitted uses for  
10 the BR Zoning District to include in addition to the previously approved sawmill use, mulch  
11 manufacturing and processing and storage of agricultural products be approved, and the request to  
12 add the uses of contractor's office and outdoor storage facility be denied. Mr. Grabowski  
13 seconded the motion.

14 **Discussion:**

15 Mr. Alexander said there was no testimony from the Petitioner regarding the delineation  
16 of the two acres and the area to be used as the landscape contractor use.

17 Ms. Dombrowski said she does not agree that a ten acre lot would have to be subdivided.  
18 She said she believes the wording of the Zoning Regulations does not match the intent. She said  
19 the intent is not to carve out a piece of land for use as contractor's offices and that no recording is  
20 necessary. She said that since the BR zone is a floating zone, the land use and boundaries could  
21 change over time. She said the way it is shown on the plan satisfies the intent of the Zoning  
22 Regulations.

23 Mr. Grabowski said that as long as the uses are within the delineated boundaries of the BR  
24 zone, he believes the proposal is fine. He said the language in the Zoning Regulations is not clear  
25 and that he believes the intent is for the BR District to float over the delineated area.

26 Mr. Alexander said he believes the contractor's office and storage area should be  
27 subdivided.

28 Ms. Citara Manis said that sometimes the interpretation of the Zoning Regulations is in  
conflict with the intent and that she believes Mr. Talkin is correct in stating that the land does not  
have to be subdivided.

Ms. Dombrowski asked if the Planning Board could recommend that the language of the

Zoning Regulations be changed and Ms. McLaughlin responded that they could if the Office of Law interprets the contractor's office and storage area has to be subdivided as a separate parcel.

**Vote:**

Mr. Alexander broke the previous motion into two parts and motioned that the first part of the Technical Staff Report as it relates to the recommendation for approval of the uses of mulch manufacturing and processing and storage of agricultural products be approved. Mr. Grabowski seconded the motion. The motion passed by a vote of 4 to 0.

Mr. Alexander then motioned that the second part of the Technical Staff Report as it relates to the recommendation for denial of the uses of landscape contractor's office and indoor or outdoor storage facility be approved. Mr. Grabowski seconded the motion. The motion failed by a vote of 3 to 1 with Mr. Alexander voted for the motion.

**Motion:**

Mr. Grabowski made a motion to approve the contractor's office and indoor or outdoor storage facility subject to an opinion by the Office of Law regarding the requirement for subdivision of the lot. Ms. Dombrowski seconded the motion.

Mr. Alexander questioned what steps would be taken if it was determined by the Office of Law that the land needs to be subdivided. Ms. Citara Manis said subdividing the lot is contrary to the intent of the Zoning Regulations and she would recommend that if the Office of Law interprets that subdivision is not required, then a Zoning Regulation Amendment should be done.

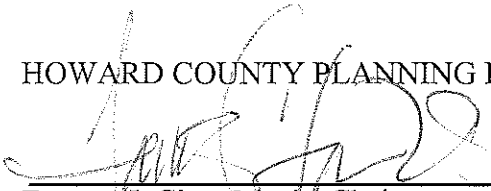
Ms. Dombrowski made a motion to approve the contractor's office and indoor or outdoor storage facility, and recommends if a separate lot is required that a Zoning Regulation Amendment be proposed to eliminate the requirement to subdivide.


**Vote:**

The motion passed by a vote of 4 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 15th day of November, 2007, recommends that the Petitioner's request to amend a previously approved Preliminary Development Plan to add in addition to the previously approved sawmill use the uses of landscaping, equipment storage and contractor's office as permitted uses as described in the petition and Preliminary Development Criteria, be **APPROVED** with the noted interpretation by the Office of Law.

HOWARD COUNTY PLANNING BOARD

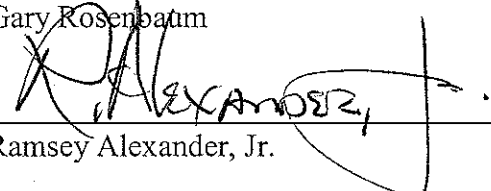
  
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Tammy J. Citaramanis, Chairperson

  
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Linda A. Dombrowski

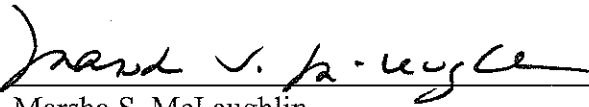
\_\_\_\_\_  
David Grabowski

ABSENT

\_\_\_\_\_  
Gary Rosenbaum

  
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Ramsey Alexander, Jr.

ATTEST:

  
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Marsha S. McLaughlin  
Executive Secretary